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13 LOS ANGELES WATERKEEPER

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16
17 LOS ANGELES WATERKEEPER, a
California non-profit association,

18
19 Plaintiff,

20 v.

21 FS – PRECISION TECH. CO., LLC, a
22 California limited liability company,

23 Defendants.
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Case No.: 2:23-cv-08353 SPG (MARx)

**NOTICE OF TENTATIVE
SETTLEMENT; NOTICE OF
COMMENCEMENT OF 45-DAY
REVIEW PERIOD**

1 PLEASE TAKE NOTICE that the parties have reached a *tentative* settlement
2 in this proceeding. Their agreement is reflected in the Proposed Consent Decree is
3 attached to this notice as “**Exhibit A**,” a copy of which has been sent to the United
4 States Department of Justice (“DOJ”) and the United States Environmental Protection
5 Agency (“EPA”) for a 45-day review period as required under section 135.5 of Title
6 40 of the Code of Federal Regulations. Furthermore, Plaintiff provides notice of
7 commencement of the 45-day review period.

8 Plaintiff and Defendant await notice of Non-Objection from the U.S.
9 Department of Justice and the U.S. Environmental Protection Agency prior to lodging
10 the Proposed Consent Decree with this Court for approval.

11 On February 21, 2024, the U.S. Department of Justice and the U.S.
12 Environmental Protection Agency (collectively, “Agencies”) notified parties of the
13 commencement of their mandatory 45-day review period under the Clean Water Act.
14 40 C.F.R. § 135.5 (*See Exhibit B*). The Agencies’ received the Proposed Consent
15 Decree on February 20, 2024. The mandatory review period ends on **April 5, 2024**.
16 The Clean Water Act prevents entry of the consent decree prior to the expiration of
17 the Agencies’ mandatory review period. 40 C.F.R. § 135.5. (“[T]he consent judgment
18 shall not be entered prior to 45 days following receipt by both the Administrator and
19 the Attorney General of a copy of the consent judgment.”) At the end of the 45-day
20 review period, Plaintiff will notify the Court of any objections received from the
21 Agencies, and if no objection will submit the Proposed Consent Decree for
22 consideration and approval by this Court and request the court retain jurisdiction over
23 this matter for purposes of dispute resolution and enforcement of the Proposed
24 Consent Decree.

25 Should the Court require any additional information, the undersigned will be
26 pleased to provide it upon request.
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1 DATED: February 21, 2024
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4 /s/Anthony M. Barnes
Anthony M. Barnes
5 Aqua Terra Aeris Law Group
6 Attorneys for Plaintiff
7 LOS ANGELES WATERKEEPER
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